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DIRECTOR OFFICE
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In re Application of: AFSHAR, et al.)	
Application No. 09/514,149)	DECISION ON PETITION TO
Attorney Docket No. IDS-1999-0710)	WITHDRAW HOLDING OF
Filed: 28 February 2000)	ABANDONMENT UNDER 37 CFR
For: PARADIGM IN MULTIMEDIA)	§1.181
SERVICES CREATION METHODOLOGY,)	
AND NEW SERVICE CREATION AND)	
SERVICE EXECUTION ENVIRONMENTS)	

This is a decision on the petition, filed 04 November 2004, requesting the Withdrawal of the Holding of Abandonment of the above-identified application, which has been treated as a petition under 37 CFR §1.181. Applicant's status inquiry of 17 February 2005 is hereby responsively answered, too.

The Petition is **DISMISSED**.

The application was abandoned for failure to file a timely response to the Office action mailed on 29 January 2003. Notice of Abandonment was mailed 29 January 2004.

37 C.F.R. § 1.8(b) states:

(b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

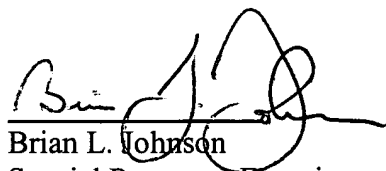
In support of the petition, Petitioner has provided a copy of the facsimile response that was submitted 29 April 2003, a Certificate of Transmission certifying that the Amendment was transmitted on 29 April 2003, and a copy of an the sending facsimile-unit's transmission report confirming transmission of nine pages to the Patent and Trademark Office on 29 April 2003.

Petitioner has not completely satisfied the criteria to show that the requisite response was timely filed as set forth supra. The petition needs to include an additional personal statement by the individual sending the original transmission. While the third condition of 37 CFR § 1.8(b) permits submission of the sending unit's transmission report to support such a statement, it is not intended to be a substitute for such a statement. To sufficiently make the case, the petition must contain evidence from the personal knowledge of the party sending the requisite correspondence. In this case, it appears that on 29 April 2003, a Mr. Benjamin S. Lee submitted the original reply. Any statement from Mr. Lee should focus on his personal knowledge regarding the timeliness of the transmission itself.

Applicant can avoid future problems relating to use of the facsimile for official submissions by modifying in-house procedures and following up transmissions with a query to the Office if an "Auto-Reply" is not received.

The petition is **DISMISSED**.

If the petitioner desires further review of this decision, petitioner should file a Request for Reconsideration within two (2) months of the mailing date of this decision. Telephone inquiries should be directed to the undersigned at 703-308-0269.



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